

**UNITED STATES DISTRICT COURT**  
**WESTERN DISTRICT OF LOUISIANA**  
**MONROE DIVISION**

**KEVIN McHENRY**

**CIVIL ACTION NO. 16-0637**

**VERSUS**

**SECTION P**

**JUDGE ROBERT G. JAMES**

**MIKE TUBBS, ET AL.**

**MAGISTRATE JUDGE KAREN L. HAYES**

**RULING**

Pending before the Court is a civil rights action brought by *pro se* Plaintiff Kevin McHenry pursuant to 42 U.S.C. § 1983. Magistrate Judge Hayes issued a Report and Recommendation recommending that the Court dismiss Plaintiff's Complaint as untimely. Plaintiff filed objections. After an independent review of the record, determining that the Magistrate Judge's findings are correct under the applicable law, the Court hereby ADOPTS the Report and Recommendation and dismisses Plaintiff's civil rights claims. The Court issues this Ruling for purpose of clarifying the status of any remaining state law claims.

To the extent that Plaintiff moves the Court to amend his Complaint to add state law claims under Federal Rule of Civil Procedure 15, his motion is DENIED. The Magistrate Judge found, and this Court agrees that, Plaintiff's civil rights claims were not timely brought before it. Plaintiff's now attempts to re-characterize his allegations as state law claims which are timely. If that is correct, then Plaintiff may bring these claims in the proper state court forum.

Further, to the extent that Plaintiff contends that he did, in fact, raise state law claims in his Complaint, the Court DECLINES TO EXERCISE supplemental jurisdiction over these claims. The Court has found that all Plaintiff's § 1983 claims should be dismissed, and any state law claims are more appropriately addressed by the state court.

MONROE, LOUISIANA, this 14<sup>th</sup> day of  
November, 2016.

  
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ROBERT G. JAMES  
UNITED STATES DISTRICT JUDGE